

**ASSEMBLY BILL**

**No. 627**

**Introduced by Assembly Member Aghazarian**

February 19, 2003

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An act to add Section 51223 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 627, as introduced, Aghazarian. Agricultural land: production.

The California Land Conservation Act of 1965, known as the Williamson Act, makes various legislative findings and declarations regarding the public interest in the protection and preservation of agricultural land. The Subdivision Map Act also requires a legislative body to deny approval of a tentative or parcel map relating to a proposed subdivision of land if the legislative body finds that the land is subject to a Williamson Act contract and the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use.

The Thurman Agricultural Policy Act also requires the Legislature, as part of promoting and protecting the agricultural industry of the state and for the protection of public health, safety, and welfare, to provide for a continuing sound and healthy agriculture in California and to encourage a productive and profitable agriculture by following a policy to, among other things, sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air, which are agriculture's basic resources.

This bill would prohibit state agencies from directly or indirectly acquiring, or funding the acquisition of property rights or fee ownership to land in agricultural production for nonagricultural purposes unless

the agency first considers the economic impact on local and statewide agricultural production and provides full mitigation of the project's impact by acquiring, among other things, conservation easements to ensure continued agricultural production on equivalent acreage in the area of the proposed acquisition.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51223 is added to the Government  
2 Code, to read:

3 51223. (a) No state agency, including local water initiatives  
4 such as CALFED, its member agencies, and state conservancies,  
5 shall directly or indirectly acquire or fund the acquisition of any  
6 property rights or fee ownership to land in agricultural production  
7 unless it is first determined and found that existing federal, state,  
8 or other land or rights, the acquisition of which was directly or  
9 indirectly funded for similar purposes of the proposed project, is  
10 not available to achieve the objectives sought by the proposed  
11 acquisition.

12 (b) In determining whether to authorize an acquisition of any  
13 rights in land or interest in land, a state agency shall do both of the  
14 following:

15 (1) Consider the cumulative impact of the proposed  
16 acquisition, including the economic impact on local and statewide  
17 agricultural production, local governments, communities, and  
18 agricultural workers.

19 (2) Provide full mitigation for those impacts as part of a  
20 regional plan.

21 (c) Full mitigation in the acquisition of land in agricultural  
22 production shall, at a minimum, include the acquisition of fee  
23 ownership in other land for agricultural purposes, including, but  
24 not limited to, conservation easements pursuant to Section 815.3  
25 of the Civil Code, to ensure continued agricultural production on  
26 equivalent acreage in the immediate vicinity of the area of the  
27 proposed project.

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